

**Introduced by Senator Hueso**

February 20, 2014

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An act to amend Sections 17980, 116125, 116130, 116135, 116140, and 116145 of the Health and Safety Code, relating to vector control.

LEGISLATIVE COUNSEL'S DIGEST

SB 1167, as amended, Hueso. Vector ~~control: rodents: control.~~

(1) Existing law requires a person who possesses a place that is infested with rodents to immediately proceed and continue in good faith to exterminate and destroy the rodents. Existing law authorizes the State Department of Public Health, a county board of supervisors, or a governing board of a city to take specified actions, including purchasing poison, traps, and other materials, for the purpose of exterminating and destroying rodents.

This bill ~~instead~~ would *additionally* require ~~that the rodents be eliminated and that remedial measures be taken to eliminate contributing that person to abate specified conditions that are causing the infestation.~~ The bill would *also* authorize the department, the county board of supervisors, and the governing body of a city to ~~take specified actions, including purchasing materials, to eliminate rodents and remediate contributing~~ *abate specified conditions that are causing the infestation.*

(2) Existing law requires the building department of every city or county to enforce within its jurisdiction all the provisions published in the State Building Standards Code and other housing standards. Existing law provides various methods of remediating building code and safety violations, including repair, rehabilitation, vacation, or demolition of the building.

This bill would require, ~~where~~ *whenever* the enforcement agency determines that ~~the building is substandard due to an~~ *there is an* infestation, as specified, that the agency order the owner of the building ~~to remediate enforcement agency's abatement order include abatement of any other specified conditions contributing to that the agency determines to have caused the infestation. The bill would also require that a proscribed notice be given to affected tenants when eradication is required. By requiring local building departments to perform additional duties, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17980 of the Health and Safety Code is  
2 amended to read:  
3 17980. (a) If a building is constructed, altered, converted, or  
4 maintained in violation of any provision of, or in violation of any  
5 order or notice that gives a reasonable time to correct that violation  
6 issued by an enforcement agency pursuant to this part, the building  
7 standards published in the California Building Standards Code, or  
8 other rules and regulations adopted pursuant to this part, or if a  
9 nuisance exists in a building or upon the lot on which it is situated,  
10 the enforcement agency shall, after 30 days' notice to abate the  
11 nuisance or violation, or a notice to abate with a shorter period of  
12 time if deemed necessary by the enforcement agency to prevent  
13 or remedy an immediate threat to the health and safety of the public  
14 or occupants of the structure, institute appropriate action or  
15 proceeding to prevent, restrain, correct, or abate the violation or  
16 nuisance. Notwithstanding the above, if a person has purchased  
17 and is in the process of diligently abating any violation at a  
18 residential property that had been foreclosed on or after January  
19 1, 2008, an enforcement agency shall not commence an action or

1 proceeding until at least 60 days after the person takes title to the  
2 property, unless a shorter period of time is deemed necessary by  
3 the enforcement agency, in its sole discretion, to prevent or remedy  
4 an immediate threat to the health and safety of the neighboring  
5 community, public, or occupants of the structure.

6 (b) If an entity releases a lien securing a deed of trust or  
7 mortgage on a property for which a notice of pendency of action,  
8 as defined in Section 405.2 of the Code of Civil Procedure, has  
9 been recorded against the property by an enforcement agency  
10 pursuant to subdivision (a) of Section 17985 of the Health and  
11 Safety Code or Section 405.7 or 405.20 of the Code of Civil  
12 Procedure, it shall notify in writing the enforcement agency that  
13 issued the order or notice within 30 days of releasing the lien.

14 (c) (1) Whenever the enforcement agency has inspected or  
15 caused to be inspected a building and has determined that the  
16 building is a substandard building or a building described in Section  
17 17920.10, the enforcement agency shall commence proceedings  
18 to abate the violation by repair, rehabilitation, vacation, or  
19 demolition of the building. The enforcement agency shall not  
20 require the vacating of a residential building unless it concurrently  
21 requires expeditious demolition or repair to comply with this part,  
22 the building standards published in the California Building  
23 Standards Code, or other rules and regulations adopted pursuant  
24 to this part. The owner shall have the choice of repairing or  
25 demolishing. However, if the owner chooses to repair, the  
26 enforcement agency shall require that the building be brought into  
27 compliance according to a reasonable and feasible schedule for  
28 expeditious repair. The enforcement agency may require vacation  
29 and demolition or may itself vacate the building, repair, demolish,  
30 or institute any other appropriate action or proceeding, if any of  
31 the following occur:

32 (A) The repair work is not done within the period required by  
33 the notice.

34 (B) The owner does not make a timely choice of repair or  
35 demolition.

36 (C) The owner selects an option which cannot be completed  
37 within a reasonable period of time, as determined by the  
38 enforcement agency, for any reason, including, but not limited to,  
39 an outstanding judicial or administrative order.

(2) In deciding whether to require vacation of the building or to repair as necessary, the enforcement agency shall give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling, as determined by the enforcement agency, and shall give full consideration to the needs for housing as expressed in the local jurisdiction's housing element.

(d) (1) Notwithstanding subdivision (c) and notwithstanding local ordinances, tenants in a residential building shall be provided copies of any of the following:

(A) The notice of a violation described in subdivision (a) that affects the health and safety of the occupants and that causes the building to be substandard pursuant to Section 17920.3 or in violation of Section 17920.10.

(B) An order of the code enforcement agency issued after inspection of the premises declaring the dwelling to be in violation of a provision described in subdivision (a).

(C) The enforcement agency's decision to repair or demolish.

(D) The issuance of a building or demolition permit following the abatement order of an enforcement agency.

(2) Each document provided pursuant to paragraph (1) shall be provided to each affected residential unit by the enforcement agency that issued the order or notice, in the manner prescribed by subdivision (a) of Section 17980.6.

(e) All notices issued by the enforcement agency to correct violations or to abate nuisances shall contain a provision notifying the owner that, in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

(f) The enforcement agency may charge the owner of the building for its postage or mileage cost for sending or posting the notices required to be given by this section.

(g) ~~Where~~*If* the enforcement agency determines that ~~the building is substandard due to an~~ *there is an* infestation pursuant to paragraph (12) of subdivision (a) of Section 17920.3 or Section 116125, ~~in addition to any orders pursuant to this part, the agency shall order that the owner of the building remediate conditions contributing to the infestation, including substandard characteristics pursuant to subdivision (a) of Section 1941.1 of the Civil Code.~~

1 *116130, the enforcement agency's abatement order shall require*  
2 *the abatement of any other conditions listed in Section 17920.3*  
3 *that the enforcement agency determines to have caused the*  
4 *infestation.*

5 ~~(h) Where an order requires eradication of an infestation, the~~  
6 ~~order shall be accompanied by a written notice to the affected~~  
7 ~~tenant that contains, in nontechnical language and in a clear and~~  
8 ~~coherent manner, the following statements and information:~~

9 ~~(1) The pest to be controlled.~~

10 ~~(2) The pesticide product proposed to be used.~~

11 ~~(3) The telephone number of the local poison control center~~  
12 ~~immediately following this statement:~~

13  
14 ~~"If within 24 hours following application you experience~~  
15 ~~symptoms similar to common seasonal illness, including symptoms~~  
16 ~~comparable to influenza, you should contact your physician or~~  
17 ~~poison control center."~~

18  
19 SEC. 2. Section 116125 of the Health and Safety Code is  
20 amended to read:

21 116125. Every person possessing a place that is infested with  
22 rodents, as soon as their presence comes to his or her knowledge,  
23 shall at once proceed and continue in good faith to endeavor to  
24 ~~eliminate exterminate and destroy~~ the rodents, ~~by poisoning,~~  
25 ~~trapping, and other appropriate means,~~ and ~~remediate to abate~~  
26 ~~the conditions contributing to infestation, including substandard~~  
27 ~~characteristics pursuant to subdivision (a) of Section 1941.1 of the~~  
28 ~~Civil Code.~~ *listed in Section 17920.3 that are causing the*  
29 *infestation.*

30 SEC. 3. Section 116130 of the Health and Safety Code is  
31 amended to read:

32 116130. The department, the board of supervisors of each  
33 county, local health officers, or inspectors appointed by any of  
34 them, as provided in this article and Chapter 3 (commencing with  
35 Section 116250), may inspect a place for the purpose of  
36 ascertaining whether it is infested with rodents and whether the  
37 requirements of this article and Chapter 3 (commencing with  
38 Section 116250) as to ~~the elimination of the rodents their~~  
39 ~~extermination and destruction,~~ and ~~the remediation of contributing~~  
40 *abatement of the conditions listed in Section 17920.3 that are*

1 *causing the infestation* are being complied with. However, no  
2 building occupied as a dwelling, hotel, or rooming house, shall be  
3 entered for inspection purposes except between the hours of 9 a.m.,  
4 and 5 p.m.

5 SEC. 4. Section 116135 of the Health and Safety Code is  
6 amended to read:

7 116135. The board of supervisors of each county and the  
8 governing body of each city, whenever it may by resolution  
9 determine that it is necessary for the preservation of the public  
10 health or to prevent the spread of contagious or infectious disease,  
11 communicable to mankind, or when it determines that it is  
12 necessary to prevent great and irreparable damage to crops or other  
13 property, may appropriate money for the purchase of, and may  
14 purchase, *poison, traps, and other materials* for the purpose of  
15 ~~eliminating exterminating and destroying rodents and remediating~~  
16 ~~contributing abating the conditions listed in Section 17920.3 that~~  
17 ~~are causing the infestation~~ in that county or city, and may employ  
18 and pay inspectors, who shall prosecute the work of ~~elimination~~  
19 ~~and remediation~~ *extermination, destruction, and abatement* on  
20 both private and public property in the county or city.

21 SEC. 5. Section 116140 of the Health and Safety Code is  
22 amended to read:

23 116140. Whenever a person possessing a place that is infested  
24 with rodents, fails, neglects, or refuses to proceed and to continue  
25 to endeavor to ~~eliminate exterminate and destroy~~ the rodents and  
26 ~~remediate the contributing conditions~~, *abate the conditions listed*  
27 *in Section 17920.3 that are causing the infestation*, as required in  
28 this article and Chapter 3 (commencing with Section 116250), the  
29 department and its inspectors, the county board of supervisors and  
30 its inspectors, and the local health officer, shall at once cause the  
31 rodents to be ~~eliminated exterminated and destroyed~~ and  
32 ~~contributing the conditions listed in Section 17920.3 that are~~  
33 ~~causing the infestation to be remedied~~ *abated*.

34 SEC. 6. Section 116145 of the Health and Safety Code is  
35 amended to read:

36 116145. The expense of ~~eliminating exterminating and~~  
37 ~~destroying~~ the rodents and ~~remediating contributing~~ *abating the*  
38 *conditions listed in Section 17920.3 that are causing the infestation*  
39 is a charge against the county or city in which the work is done,

1 and the board of supervisors or other governing body shall allow  
2 and pay it.

3 ~~SEC. 7. If the Commission on State Mandates determines that~~  
4 ~~this act contains costs mandated by the state, reimbursement to~~  
5 ~~local agencies and school districts for those costs shall be made~~  
6 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
7 ~~4 of Title 2 of the Government Code.~~

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